

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

ERIC MACON,

Petitioner,

v.

BARRY DAVIS,

Respondent,

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Civil No. 5:05-CV-60263

HONORABLE JOHN CORBETT O'MEARA  
UNITED STATES DISTRICT JUDGE

**ORDER COMPELLING RESPONDENT TO SERVE ANOTHER COPY OF  
THEIR ANSWER UPON PETITIONER AND GRANTING PETITIONER AN  
EXTENSION OF TIME TO FILE A TRAVERSE OR REPLY TO THE  
RESPONDENT'S ANSWER**

Before the Court is a letter from petitioner dated March 12, 2008, which is contrued as a motion to compel respondent to forward petitioner another copy of their answer to the petition for writ of habeas corpus, which was filed with this Court on July 11, 2007. Petitioner also appears to requests additional time to file a traverse or reply brief to the answer.

Respondent filed an answer to the petition for writ of habeas corpus with this Court on July 11, 2007. Petitioner claims that he never received a copy of the answer. An answer to a petition for writ of habeas corpus, along with any attached exhibits, must be served upon a habeas petitioner. *See Thompson v. Greene*, 427 F. 3d 263, 269 (4<sup>th</sup> Cir. 2005). The Court will therefore order respondent to serve another copy of their answer to the petition for writ of habeas corpus upon petitioner within ten days of this Court's order.

The Court will give petitioner forty five days from the date of the receipt of the answer to the petition for writ of habeas corpus to file a traverse or reply brief. Rule 5(e) of the Rules Governing § 2254 Cases, 28 U.S.C. foll. § 2254 states that a habeas petitioner “may submit a reply to the respondent's answer or other pleading within a time fixed by the judge.” *See Baysdell v. Howes*, 2005 WL 1838443, \* 4 (E.D. Mich. August 1, 2005).

IT IS HEREBY ORDERED that respondent shall serve a copy of the answer to the petition for writ of habeas corpus upon petitioner within **ten (10)** days of this order.

IT IS FURTHER ORDERED That Petitioner shall have **forty five (45)** days from the date that he receives the respondent’s answer to file a traverse or reply brief.

s/John Corbett O’Meara  
United States District Judge

Date: May 29, 2008

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, May 29, 2008, by electronic and/or ordinary mail.

s/William Barkholz  
Case Manager